

REMARKS

In the Office Action mailed August 13, 2003, claims 9-12, 14-22, 28-39 and 44 were withdrawn from consideration as being drawn to a non-elected invention. Claims 1-8, 13, 23-27 and 40-43 were rejected under 35 U.S.C. 102(b). Claim 2 was rejected under 35 U.S.C. 112, second paragraph. Claims 36 and 37 were allowed.

The Amendments

Claims 1 and 27 have been amended to specify that when X is H, R is not an achiral linear partially fluorinated ether group. Support for this amendment to claims 1 and 27 is present in the specification as filed, for example structures 1198, 1199, 1200 on page 22; structures 1905, 1907, 1908, 1909, 1400, 1428, 1429 on page 28; claim 21; and claim 18. Claims 18 and 31 have been amended to correct an inadvertent typographical error in the X variable. Support for the amendment to claims 18 and 31 is present in the specification as filed, for example page 3, line 7. The dependency of claim 22 has been corrected. Support for the amendment to claim 22 is found in claim 1, for example. Claim 2 has been amended to explicitly include the cores in Scheme I that were originally referred to in the claim. Claims 1, 27 and 44 have been amended to correct a clerical error where a comma was inadvertently omitted in the definition of linkers A and B. Support for the amendment to claims 1, 27 and 44 is present in the specification as filed on page 4, line 4; Scheme I and Scheme III. No new matter is added by any amendment and all amendments are supported by the specification and claims as originally filed.

Election/Restriction

The Office Action mailed August 13, 2003 required affirmation of the election of species made by telephone on August 6, 2003. Applicant hereby affirms election of the species of claim 37, with traverse. The election is made with traverse because claims 1,

27 and 44 are allowable generic claims. Claims 1-8, 13, 23-27, 36, 37 and 40-43 read on the elected species. Rejoinder of the withdrawn claims is respectfully requested.

35 U.S.C. 102(b) Rejection

In the Office Action mailed August 13, 2003, claims 1-8, 13, 23-27 and 40-43 were rejected under 35 U.S.C. 102(b) over Nakamura (US 5,653,913). The Office Action stated "The reference compound 2-62 having a lactone with partial fluorinated ether in Examples 2-8 on col. 67 anticipates the claimed invention."

It is noted that the compounds disclosed in Nakamura require a hydrogen in the chiral attachment position of the lactone tail. Written in the variables used in the present invention, X must be H on the lactone (variable G). (See Nakamura, column 9, structures 2-iv, 2-vii, 2-viii; column 12, structure La2; columns 25-26, structure 2-62). In addition, Nakamura requires a linear partially fluorinated ether tail. This linear partially fluorinated ether tail corresponds to variable R used in the present invention. (See column 4, line 21; column 5, lines 64-67 of Nakamura).

In response, the combination of variables described in Nakamura has been eliminated from the claims of the present invention. Claims 1-8, 13, 23-27 and 40-43 are therefore not anticipated by the Nakamura reference. Reconsideration and withdrawal of the rejection is respectfully requested.

35 U.S.C. 112, Second Paragraph Rejection


In the Office Action mailed August 13, 2003, claim 2 was rejected under 35 U.S.C. 112, second paragraph. The Office Action stated the cores in Scheme I should be defined. In response, claim 2 has been amended to explicitly list the cores of Scheme I. This amendment is believed to overcome the rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

It is believed all rejections are overcome. Reconsideration and withdrawal of the rejections is respectfully requested. If there are any issues remaining to passage of the case to issuance, the Examiner is respectfully requested to telephone the undersigned.

It is believed that the present submission does not require the payment of any fees. If this is incorrect however, please charge any fees required, including any extensions of time required, to Deposit Account No. 07-1969.

Respectfully submitted,



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